

The proposal to require broadcasters to record and maintain a library of recordings of broadcasts for 60 to 90 days would present an undue hardship for small-market broadcasters.

Small-market broadcasters have historically been among the most vigilant in providing programming that is clean; without allusion to obscene materials. We have, in fact, marketed ourselves as a clean alternative to other radio stations from urban areas. Many of us continue to toil in less-profitable small town ventures because we believe in the licensee's responsibility to "serve the public's interest, convenience, and necessity," and include in that the provision of programming that is always well above the "community standards" threshold. Many of us also include in that the provision of truly locally-originated programming.

The purpose of the proposal is to make adjudication of issues surrounding alleged instances of obscene speech easier. I submit that a search of FCC records will show that a large portion of past complaints have involved the same large-market stations or syndicated programs, over and over again.

Rather than cause further economic hardship, endangering local broadcast service to thousands of Americans who do not live in urban areas, I suggest the following: Once a station has been found to have engaged in an obscene broadcast, require the station to record all of its programming. All. In cases of repeat offenses, require the licensee to pay for an independent regular review of the tapes, and a report back to the FCC from that review. Use it like local jails use the "ankle bracelet" for felons and misdemeanants on home detention.

While this would not ease the process of the first finding of having engaged in an obscene broadcast, it would make future investigation simpler, and create a burden for repeated obscene broadcasts substantial enough to prevent them.

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